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Total Number of Pages in This Submission 33

Application Number	10/010,630
Filing Date	November 7, 2001
First Named Inventor	Yuji Toyomura, et al.
Art Unit	2168
Examiner Name	Debbie M. Le
Attorney Docket No.	MAT-8198US

ENCLOSURES (Check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/Declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/
Incomplete Application
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under 37 CFR 1.52 or 1.53

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Appeal Brief; Copy of
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Printed Name Lawrence E. Ashery

Date January 16, 2007

Registration No.

34,515

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January 16, 2007

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Application No.: 10/010,630
Substitute Appeal Brief Dated: January 16, 2007
Notice of Non-Compliance Dated: December 15, 2006

MAT-8198US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No.: 10/010,630
Appellants: November 7, 2001
Title: CARRYABLE MEMORY MEDIA, PORTABLE INFORMATION
TERMINAL USING THE SAME AND METHOD FOR MANAGING
FILES THEREIN
TC/A.U.: 2168
Examiner: Debbie M. Le
Confirmation No.: 4831
Docket No.: MAT-8198US

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Non-Compliant Appeal Brief, a Substitute Appeal Brief is enclosed.

Respectfully submitted,

Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

LEA/dmw

Enclosures: Response w/Substitute Appeal Brief

Dated: January 16, 2007

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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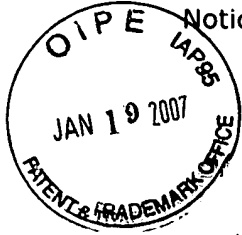
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Application No.: 10/010,630

MAT-8198US

Substitute Appeal Brief Dated: January 16, 2007

Notice of Non-Compliant Appeal Brief Dated: December 15, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/010,630
Appellants: Yuji Toyomura, et al.
Filed: November 7, 2001
Title: CARRYABLE MEMORY MEDIA, PORTABLE INFORMATION
TERMINAL USING THE SAME AND METHOD FOR MANAGING
FILES THEREIN
TC/A.U.: 2168
Examiner: Debbie M. Le
Confirmation No.: 4831
Docket No.: MAT-8198US

SUBSTITUTE APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice Of Appeal dated **October 28, 2005**, Appeal brief filed **March 16, 2006**, Substitute Appeal Brief filed **June 19, 2006**, Office Action dated **August 15, 2006**, and the Notification of Non-Compliant Appeal Brief dated **December 15, 2006**, Appellant is submitting this new Appeal Brief for the above-identified application.

I. REAL PARTY IN INTEREST

The real party in interest is Matsushita Electric Industrial Co., Ltd.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 3-6, 8, 12, 14-32 and 34-82 are pending. Claims 2, 7, 9-11, 13 and

33 were cancelled in previous communications. Claims 1, 3-6, 8, 12, 14-32 and 34-82 are currently appealed.

IV. STATUS OF AMENDMENTS

All previously filed Amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a memory media. An exemplary memory media is illustrated as memory card 25 in Appellants' Fig. 2 (Substitute Specification, page 16, line 2). With regard to claim 1, as illustrated by Appellants' Fig. 1, Appellants' memory media includes a plurality of directories (e.g. directory 6, directory 7, etc.) that each store files of respectively specific file formats (Substitute Specification, page 11, line 9). Thus, for example, directory 6 only stores music files, directory 7 only stores still image files, etc. A further directory (e.g. directory 9) is included for storing files in any format different than the file format stored in the plurality of directories (Substitute Specification, page 11, line 10).

The above features are also illustrated by the enclosed Evidence Appendix. As can be seen, a plurality of directories are maintained at a common directory level. The first directory stores only files of a first type (e.g. doc files). The second directory stores only files of a second type (e.g. "xls" files). The third directory stores files of only a third type (e.g. "xlm" files). A further directory (indicated in the Evidence Appendix as "other") is for storing all file types for which there is not a directory for storing just that file type (in the example, "pdf", "tmp", etc.).

With regard to claim 6, an exemplary embodiment includes memory card 25 which is used with an information terminal such as Digital Still Camera 10 (Substitute Specification, page 14, line 11). The information terminal can form directories (e.g. directory 6, 7) at a common level where each directory is for files of one particular file format (one format per directory) (page 11, line 9) (page 17, line 9). A file having a format different than the formats of any of those directories is stored in a further directory (page 11, line 10).

With regard to claim 8, in an exemplary embodiment, if a file conforms to the format of any of a certain plurality of directories (directory 6, 7), then the file is stored in the respective directory (Substitute Specification, page 11, line 9). If the file does not conform to any of those formats, then the file is stored in a further directory (e.g. directory 9, page 11, line 10).

With regard to claim 32, in an exemplary embodiment, two types of directories are formed in memory card 25. Each directory of the first type is for storing files of one particular format (one format per directory) (Substitute Specification, page 11, line 9) (e.g., directory 6, 7). The second type of directory is for storing files having a format different than the formats of any of those directories (directory 9). A file is stored in one of the directories of the first type or the second type (page 17, line 17) (page 23, line 12).

With regard to claim 49, in an exemplary embodiment, memory card 25 is used with an information terminal such as printer 70 (Fig. 6 and Substitute Specification, page 14, line 11). The portable memory terminal has an interface (e.g. CPU 71) which reads data from memory card 82 (page 34, line 8). The portable memory terminal also has a selector for selecting between data stored in one of two types of directories of memory card 82 (Fig. 6, button 80) (page 31, line 7). Each directory of the first type is for storing files of one particular format (one format per directory) (page 11, line 9) (e.g., directory 6, 7). The second type of directory is for storing files having a format different than the formats of any of those directories (directory 9).

With regard to claim 52, an exemplary embodiment includes memory card 25 which includes a plurality of directories (e.g. directory 6, directory 7, etc.) that each store files of respectively specific file formats (Substitute Specification, page 11, line 9). Memory card 25 also includes a further directory for storing files having an arbitrary format (directory 9).

With regard to claim 53, an exemplary embodiment includes memory card 25 which includes a plurality of directories (e.g. directory 6, directory 7, etc.) that each store files of respectively specific file formats (Substitute Specification, page 11, line

9) and a further directory. The further directory stores files having the specific formats and files having other formats (page 13, line 8).

With regard to claim 54, in an exemplary embodiment, a method of managing files in an information apparatus including memory card 25 is provided. Memory card 25 includes a plurality of directories (e.g. directory 6, directory 7, etc.) that each store files of respectively specific file formats. The method includes the step of detecting whether a file can be stored in one of the specific format directories (page 22, line 12). If the file cannot be stored in any of the specific format directories, a new directory is formed (page 23, line 9). The new directory is capable of storing files of arbitrary formats (directory 9).

With regard to claim 55, in an exemplary embodiment, a method of managing files in an information apparatus including memory card 25 is provided. Memory card 25 includes a plurality of directories (e.g. directory 6, directory 7, etc.) that each store files of respectively specific file formats. The method includes the step of detecting whether a file having a predetermined format can be stored in one of the specific format directories (page 22, line 12). If the file cannot be stored in any of the specific format directories, a further limited directory is formed. The further directory is capable of storing files having the predetermined format (page 17, line 9).

With regard to claim 56, in an exemplary embodiment, a method of reading information from a file stored on memory card 25 is provided. Memory card 25 includes a plurality of directories (e.g. directory 6, directory 7, etc.) that each store files of respectively specific file formats (Substitute Specification, page 11, line 9) and a further directory. The further directory stores files having arbitrary formats (directory 9). The method includes a first step of accessing the directory corresponding to the format of the file being read (Substitute Specification, page 30, line 4) and the second step of accessing the further directory (page 32, line 1).

With regard to claim 57, in an exemplary embodiment, a method of reading information in a file stored on memory card 25 is provided. Memory card 25 includes a plurality of directories (e.g. directory 6, directory 7, etc.) that each store files of respectively specific file formats (Substitute Specification, page 11, line 9) and a

further directory. The further directory stores files having the specific formats and files having other formats (page 13, line 8). The method includes a first step of accessing the directory corresponding to the format of the file being read (Substitute Specification, page 30, line 4) and a second step of accessing the further directory (page 32, line 1).

With regard to claim 59, an exemplary embodiment includes a CPU which is capable of giving instructions to store a file obtained from memory card 54 (CPU 41 of Fig. 4). The exemplary embodiment further includes a controller (e.g. CPU 41 of Fig. 4) (Substitute Specification, page 23, lines 7-11) which is capable of forming a directory in memory card 54 and storing the obtained file in memory card 54. If memory card 54 has directories formed by a further apparatus but does not have a directory formed by the present apparatus (page 75, lines 11-12), the present apparatus forms a new directory in memory card 54. The new directory is capable of storing arbitrary file formats (directory 9).

With regard to claim 65, in an exemplary embodiment, a method of storing a file in memory card 54 is provided. The method includes a step of storing a file in a memory of an apparatus. Memory card 54 has directories formed by a further apparatus but does not have a directory formed by the present apparatus. (page 75, lines 11-12) (page 76, line 1). The method further includes the step of recognizing memory card 54 and forming in a new directory in memory card 54 (page 76, line 1). The new directory will be capable of storing arbitrary file formats (e.g., directory 9). The method further includes the step of storing the file in the new directory (e.g., page 23, line 12).

With regard to claim 71, in an exemplary embodiment, an information terminal, such as a digital camera, for use with memory card 25 is provided. The information terminal has memory card slot 24 for receiving memory card 25 (Fig. 2). Further, the information terminal has its own memory, separate from memory card 25, that can store files (e.g. flash memory 16). The information terminal also has a controller that can form a directory in memory card 25 and store a file in the information terminal's own memory (e.g. CPU 15). If the memory card already has a directory for storing files from a further information terminal but does not have a

directory for storing files from the present information terminal, the information terminal forms a new directory in memory card 25 (e.g. Substitute Specification, page 76, line 9). The new directory is capable of storing arbitrary file formats (e.g. directory 9).

With regard to claim 77, in an exemplary embodiment, a method of storing a file in memory card 25 is provided. Memory card 54 has directories formed by a further apparatus but does not have a directory formed by the present apparatus. (page 75, lines 11-12) (page 76, line 1). The method includes the step of storing a file in a memory of the present apparatus (e.g. flash memory 16, Fig. 2). The method further includes the steps of recognizing memory card 54 and forming a new directory in memory card 54. The new directory corresponds to files having arbitrary formats (directory 9). The method further includes the step of storing the file in the new directory (e.g., page 23, line 12).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1) Claims 1, 3-5, 46, 50 and 51 under 35 U.S.C. §103(a) as being unpatentable over Iida (US 6,385,690) and Cowart (Mastering Windows 3.1).

2) Claims 6, 17, 20-22, 32, 34, 47, 48, 49, 52-59, 61-65, 67-71, 73-77, and 79-82 under 35 U.S.C. §103(a) as being unpatentable over Otomo (US 2001/0010049) and Cowart (Mastering Windows 3.1).

3) Claims 12, 14-16, 18, 23 and 35-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Otomo and Cowart, and further in view of Carley (US 6,701,345).

4) Claims 19, 24 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart and Otomo and further in view of Koyama (US 5,978,551).

5) Claims 28-31 and 40-43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart and Otomo, and further in view of Yokota (US 6,691,149) and Carley.

6) Claims 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart and Otomo, and further in view of Yokota and Fukunaga (US 6,775,023).

7) Claims 44 and 45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cowart and Otomo, and further in view of Nishigaya (US 5,696,900).

8) Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Otomo, Cowart, and Yokota.

VII. ARGUMENT

In the interest of improving the readability of the argument, Appellants' representative will discuss the pending independent claims in two separate groups as follows:

Group I: Claims 1, 6, 8, 32, 49, and 52-57; and

Group II: Claims 59, 65, 71 and 77.

Regarding Group I, Appellants' representative will first traverse the rejection with respect to claim 1. The remaining independent claims in Group 1, while not identical to Group I, are also patentable for reasons similar to those set forth below with regard to claim 1.

Appellants' invention, as recited by claim 1, includes features which are neither disclosed for suggested by the art of record, namely:

... a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats, and

a further directory at said directory level, said further directory for storing files in other than said plurality of file formats ... (emphasis added)

Thus, claim 1 is reciting a plurality of directories and a further directory which are all at the same level within a directory (e.g. tree) structure. Of the plurality of directories, each of those directories stores "a respective one of a plurality of file formats. The further directory stores files in formats different than the formats stored in the "plurality of directories."

An exemplary embodiment of the above structure is illustrated in the Evidence Appendix.

The illustration in the Evidence Appendix shows a "plurality of directories" which are each limited to storing one respective file format. Thus, for example, one directory stores files in the .doc format. A second directory, for example, stores files in the .xls format. A third directory stores files in the .xlm format. A further directory is also shown. The further directory stores files having formats different than the formats stored in the "plurality of directories." The plurality of directories and the further directory are all at the same level within the directory structure.

The Official Action cites a number of references against Appellants' pending claims. Appellants' representative has reviewed all of those references and none of those references even come close to the above structure. For example, Iida was cited at column 20 (lines 40-43) and column 16 (lines 18-21). Column 20 refers to writing of "stream data" and updating of "FAT." Column 16 refers to "head cluster number" and "various data" in certain directories. The Office Action argues that columns 16 and 20 disclose Appellants' claimed "each of said directories limited to... respective file formats" and that each of those directories, so limited, are at "a directory level" (i.e., the same level). Appellants' representative has been unable to find any such disclosure in Iida. The Official Action argues that Cowart discloses "a plurality of the formats." In fact, the Examiner withdrew the previous Appeal for the sole purpose of citing Cowart. As Cowart merely teaches well-known Microsoft Windows file structure, it is not understood why the Appeal was withdrawn for that reason. Cowart was cited for disclosing a plurality of file formats. Appellants' acknowledge that different file formats are known in the art. Claim 1, however, recites a directory structure that stores different file formats as described above. This is different than the art of record. Otomo, as well, has no disclosure of the above features.

Accordingly, claim 1 is patentable over the art of record.

Again, the other independent claims of Group I are patentable for reasons similar to those set forth above with regard to claim 1.

The claims which depend from the independent claims of Group I are all patentable by virtue of their dependency on allowable independent claims.

Regarding Group II, Appellants representative will first discuss claim 59.

Appellants' claim 59 includes a feature which is neither disclosed nor suggested by the art of record, namely:

... a controller operable to form a directory in the carryable memory media ...

wherein ... if a directory formed by an other apparatus is stored in the carryable memory media and there is not a directory formed by the apparatus in the carryable memory media, the apparatus makes the carryable memory media form a new directory which is allowed to store an arbitrary file stored in the memory ...

Thus, when, for example, a memory card is moved from a first apparatus to a second apparatus and the second apparatus stores a file in the memory card, the file will be stored in a directory different from any directories created by the first apparatus.

The Official Action has cited Otomo and Cowart against claim 59. Neither Otomo nor Cowart, however, discloses the above feature of a second apparatus storing data in a directory which is different from directories created by the first apparatus.

The remaining independent claims in Group II, while not identical to claim 59, are similarly allowable over the art of record for reasons similar to those set forth above with regard to claim 59.

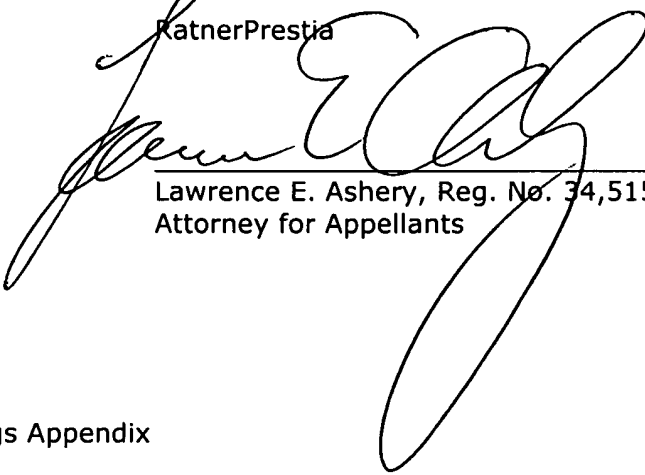
Application No.: 10/010,630
Substitute Appeal Brief Dated: January 16, 2007
Appeal Brief Dated: November 10, 2006

MAT-8198US

Allowance of the above-identified application is respectfully requested.

Respectfully Submitted,

RatnerPrestia



Lawrence E. Ashery, Reg. No. 34,515
Attorney for Appellants

LEA/bj/dmw

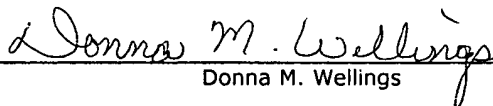
Enclosures: Claims Appendix
Evidence Appendix
Related Proceedings Appendix

Dated: January 16, 2007

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Donna M. Wellings

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CLAIMS APPENDIX

1. (Previously Presented) A memory media comprising

a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats, and

a further directory at said directory level, said further directory for storing files in other than said plurality of file formats.
2. (Cancelled).
3. (Previously Presented) The memory media of claim 1, wherein said directory level is immediately under a root directory.
4. (Previously Presented) The memory media recited in claim 1, wherein the memory media are memory cards.
5. (Previously Presented) The memory media recited in claim 1, wherein said further directory is further for storing files in one of said plurality of file formats.
6. (Previously Presented) A portable information terminal comprising memory media detachable to and from a terminal body of the information terminal, comprising

means for forming a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats,

a further directory at said directory level, said further directory for storing files in other than said plurality of file formats.
7. (Cancelled).
8. (Previously Presented) A portable information terminal comprising carryable memory media detachable to and from the terminal body, wherein

said carryable memory media is provided with

a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats,

a further directory at said directory level, said further directory for storing files in other than said plurality of file formats,

i) if a file to be stored conforms to said plurality of directories, said portable information terminal stores the relevant file in the carryable memory media at a data area corresponding to one of said plurality of file formats,

ii) if a file to be stored does not conform to said portable information terminal stores the file in the carryable memory media at a further data area corresponding to said further directory.

9.-11. (Cancelled).

12. (Previously Presented) The portable information terminal of claim 6, wherein an attached file attached to electronic mail received is stored in said carryable memory media at a data area corresponding to said further directory.

13. (Cancelled).

14. (Previously Presented) The portable information terminal of claim 6 comprising

an operation section for operation by a user, wherein based on operation by said user of the operation section, at least one file is stored in a data area corresponding to said plurality of directories and at least another file is stored in a further data area corresponding to said further directory.

15. (Previously Presented) The portable information terminal of claim 6 comprising separation means for separating an e-mail with the attached file received through said communication means into the e-mail document file and the attached file, wherein

i) said e-mail document file is stored in said carryable memory media at a

data area corresponding to one of said plurality of formats, and

ii) said attached file is stored in said carryable memory media at a data area corresponding to other than said plurality of formats.

16. (Previously Presented) The portable information terminal of claim 15 wherein storage of said e-mail document file and said attached file is based on operation of a user.

17. (Previously Presented) The portable information terminal of claim 6 further comprising file extraction means for extracting said files.

18. (Original) The portable information terminal of claim 17 comprising control means, wherein

said control means controls at least one process among the following processes to be performed on said extracted file for;

- i) deleting the file;
- ii) shifting the file to a data area of said carryable memory media, which data area corresponding to a different directory other than the original directory, and storing it in there;
- iii) transmitting the file as an attached file; and
- iv) exhibiting it on a display.

19. (Original) The portable information terminal of claim 17, wherein said file extraction means extracts the file that conforms to said specific file form, based on the file expansion index.

20. (Original) The portable information terminal of claim 17, wherein said file extraction means extracts the file that conforms to said specific file form, based on the file inner structure.

21. (Original) The portable information terminal of claim 17, wherein said

file extraction means extracts the file that conforms to said specific file form, through a plurality of steps of extraction.

22. (Original) The portable information terminal of claim 17 comprising input means for inputting conditions for file extraction, wherein

said file extraction means extracts, among those which conform to said specific file form, the file that satisfies said conditions for file extraction.

23. (Original) The portable information terminal of claim 22 comprising control means, wherein

said control means controls at least one process among the following processes to be performed on said extracted file, for;

- i) deleting the file;
- ii) shifting the file to a data area of said carryable memory media, which data area corresponding to a different directory other than the original directory, and storing it in there;
- iii) transmitting the file as an attached file; and
- iv) exhibiting it on a display.

24. (Original) The portable information terminal of claim 17, wherein said file extraction means extracts the file that conforms to specific file form through the following process;

- i) a primary extraction based on the file expansion index, and
- ii) an extraction once again based on the inner structure of those extracted by said primary extraction.

25. (Original) The portable information terminal of claim 17 comprising a video processing function, said directory for storing specific format files containing a directory for storing video information form files, wherein

a video information file is extracted from both of the data areas of said carryable memory media; one data area is that which corresponds to the directory for storing video information form files and the other data area is that which corresponds to said directory for storing non-specific format files.

26. (Original) The portable information terminal of claim 17, wherein the portable information terminal extracts the Exif format image file through either one of the following processes;

i) extracting the JPG image file from data area of said carryable memory media based on the directory for storing non-specific format files, or

ii) extracting the image file from said carryable memory media based on the JPG expansion index .jpg of the directory for storing non-specific format files;

and a process of checking the inner structure of said image file extracted.

27. (Original) The portable information terminal of claim 26, wherein the portable information terminal prints the extracted Exif format file upon an operation made by a user.

28. (Previously Presented) The portable information terminal recited in claim 6 comprising communication means, wherein

the portable information terminal transmits the attached file stored in a data area corresponding to said further directory via said communication means, accompanying an e-mail.

29. (Previously Presented) The portable information terminal of claim 28 comprising file control means, wherein said file control means deletes a file which had been stored in a data area corresponding to said further directory after it is transmitted via said communication means.

30. (Original) The portable information terminal of claim 28 comprising file control means, wherein said file control means shifts a file that had been stored in a data area corresponding to said directory for storing non-specific format files after it

was transmitted via said communication means, to a data area of said carryable memory media that corresponds to a certain directory other than said original directory for storing specific format files and said original directory for storing non-specific format files.

31. (Original) The portable information terminal of claim 28 comprising instruction means, wherein said instruction means issues one of the following instructions based on operation of the operation section by a user, after a file stored in a data area corresponding to said directory for storing non-specific format files is transmitted via said communication means, regarding how the transmitted file be handled:

i) leaving the transmitted file in said directory for storing non-specific format files;

ii) deleting the transmitted file;

iii) shifting the transmitted file to a data area of said carryable memory media that corresponds to a certain specific directory other than said original directory for storing specific format files and said original directory for storing non-specific format files.

32. (Previously Presented) A method for managing files in a portable information terminal comprising carryable memory media detachable to and from the terminal body, comprising the steps of :

A) forming a plurality of directories at a directory level, each of said directories limited to storing files of a respective one of a plurality of file formats,

B) forming a further directory at said directory level, said further directory for storing files in other than said plurality of file formats and

C) storing a file in said carryable memory media at a data area corresponding to one of said plurality of directories or said further directory.

33. (Cancelled).

34. (Previously Presented) The method for managing files in the portable information terminal recited in claim 32, comprising the steps of :

- E) receiving data through communication means;
- F) forming a file based on the data received at step E); and
- G) storing the file formed at step F) in said carryable memory media at a data area corresponding to said further directory.

35. (Previously Presented) The method for managing files in the portable information terminal recited in claim 32, comprising the steps of :

- E) receiving an electronic mail through communication means; and
- H) storing an attached file attached to the electronic mail in said carryable memory media at a data area corresponding to said further directory.

36. (Previously Presented) The method for managing files in the portable information terminal recited in claim 32, comprising the steps of :

- E) receiving data through communication means;
- J) separating received data into a plurality of files;
- K) storing at least one file among said plurality of files in said carryable memory media at a data area corresponding to one of said plurality of directories; and
- L) storing the remaining file in said carryable memory media at a further data area corresponding to said further directory.

37. (Previously Presented) The method for managing files in the portable information terminal recited in claim 32, comprising the steps of:

- E) receiving data through communication means;
- J) separating received data into a plurality of files;

M) based on a first operation by a user, storing at least one file among said plurality of files in said carryable memory media at a data area corresponding to one of said plurality of directories; and

N) based on a second operation by a user, storing the remaining file in said carryable memory media at a further data area corresponding to said further directory.

38. (Previously Presented) The method for managing files in the portable information terminal recited in claim 32, comprising the steps of:

P) receiving an e-mail with the attached file through communication means;

Q) separating the received e-mail with the attached file into the document file and the attached file;

R) storing said document file in said carryable memory media at a data area corresponding to one of said plurality of directories; and

S) storing said attached file in said carryable memory media at a further data area corresponding to said further directory.

39. (Previously Presented) The method for managing files in the portable information terminal recited in claim 32, comprising the steps of:

P) receiving an e-mail with the attached file through communication means;

Q) separating the received e-mail with the attached file into the document file and the attached file;

T) based on a first operation by a user, storing said document file in said carryable memory media at a data area corresponding to one of said plurality of directories; and

U) based on a second operation by a user, storing said attached file in said carryable memory media at a further data area corresponding to said further directory.

40. (Previously Presented) The method for managing files in the portable

information terminal of claim 39 comprising the step of

transmitting the attached file stored in said carryable memory media at said further data area corresponding to said further directory as an attachment to a new e-mail.

41. (Original) The method for managing files in the portable information terminal of claim 39 comprising the steps of:

V) transmitting the file stored in said carryable memory media at said further data area corresponding to said directory for storing non-specific format files; and

W) after said file is transmitted, deleting said transmitted file.

42. (Previously Presented) The method for managing files in the portable information terminal recited in claim 39 comprising the steps of:

V) transmitting the file stored in said carryable memory media at said further data area corresponding to said further directory; and

X) after said file is transmitted, shifting said transmitted file to yet a further data area.

43. (Previously Presented) The method for managing files in the portable information terminal recited in claim 39 comprising the steps of:

V) transmitting the file stored in said carryable memory media at said further data area;

Y) after transmitting said file, a user selecting either one of following steps based on operation;

Y-1) leaving said transmitted file in said carryable memory media

at said further data area;

Y-2) deleting said transmitted file; and

Y-3) shifting said transmitted file to yet a further data area.

44. (Previously Presented) The portable information terminal according to claim 6, wherein the portable information terminal is a portable telephone unit.

45. (Original) The method for managing files in the portable information terminal of claim 32, wherein the portable information terminal is a portable telephone unit.

46. (Original) The carryable memory media of claim 5, wherein the carryable memory media are memory card.

47. (Previously Presented) The portable information terminal according to claim 6, wherein the carryable memory media are memory card.

48. (Original) The method for managing files in the portable information terminal of claim 32, wherein the carryable memory media are memory card.

49. (Previously Presented) A portable information terminal including memory media detachable to and from a terminal body, comprising:

an interface for reading data from said memory media; and

a selector for selecting between a data area and a further data area, said selector selecting: a) from said data area when said data being read corresponds to one of a plurality of directories at a directory level, each of said directories limited to a respective one of a plurality of file formats; and b) from said further data area when said data being read corresponds to a further directory for other than said plurality of file formats.

50. (Previously Presented) Memory media according to claim 1, wherein said further directory is also for storing at least one of said respective file formats.

51 (Previously Presented) Memory media according to claim 1, wherein files in said further directory are independent and without links relative to files in said plurality of directories.

52. (Previously Presented) A carryable memory media comprising:

a plurality of directories at a directory level, each of the directories limited to storing files of a respective one of a plurality of file formats, and

a further directory at the directory level, the further directory capable of storing a file having an arbitrary file format.

53. (Previously Presented) A carryable memory media comprising:

a plurality of directories at a directory level, each of the directories limited to storing first files of a respective one of a plurality of file formats, and

a further directory at the directory level, the further directory capable of storing the first files having the respective one of the plurality of file formats and a second file having a file format which is different from the file formats of the first file.

54. (Previously Presented) A method for managing files in an information apparatus including carryable memory media detachable to and from the apparatus, the memory media including a directory limited to storing files of a respective one of a plurality of file formats, the method comprising the steps:

detecting whether or not a file to be stored in the memory media is capable of being stored in the limited directory, and

forming a further directory for storing the file to be stored by a result of determining the file is not capable of being stored in the limited directory, the further directory being capable of storing a file of an arbitrary file format.

55. (Previously Presented) A method for managing files in an information apparatus including carryable memory media detachable to and from the apparatus, the memory media including a directory limited to storing files of a respective one of a plurality of file formats, the method comprising the steps:

detecting whether or not a file to be stored in the memory media is capable of being stored in the limited directory, and

forming a further directory for storing the file to be stored by a result of determining the file is not capable of being stored in the limited directory, the further directory being capable of storing the files of the respective one of the plurality of file formats.

56. (Previously Presented) A method for reading information in a file on a memory media, in which a carryable memory media includes: a plurality of directories at a directory level, each of the directories limited to storing files of a respective one of a plurality of file formats, and a further directory at the directory level, the further directory capable of storing a file having an arbitrary file format, the method comprising the steps of:

a first step of accessing a directory in which a file format corresponds to a file format of the file, and

a second step of accessing the further directory.

57. (Previously Presented) A method for reading information in a file on a memory media, in which a carryable memory media includes, a plurality of directories at a directory level, each of the directories limited to storing first files of a respective one of a plurality of file formats, and a further directory at the directory level, the further directory capable of storing the first files having the respective one of the plurality of file formats and a second file having a file format which is different from the file formats of the first file, the method comprising the steps of:

a first step of accessing a directory of which a file format corresponds to a file format of the file, and

a second step of accessing the further directory.

58. (Previously Presented) The memory media of claim 52, wherein said directory level is immediately under a root directory.

59. (Currently Amended) An apparatus which is capable of controlling a carryable memory media, comprising:

a CPU operable to instruct to store a file obtained from the carryable memory media;

a controller operable to form a directory in the carryable memory media and operable to store the obtained file in the carryable memory media, wherein

if a directory formed by an other apparatus is stored in the carryable memory media and there is not a directory formed by the apparatus in the carryable memory media, the apparatus makes the carryable memory media form a new directory which is allowed to store an arbitrary file stored in the memory and store the obtained file in the new directory.

60. (Previously Presented) The apparatus of claim 59, wherein

the obtained file is a file attached with an e-mail.

61. (Previously Presented) The apparatus of claim 59, wherein

the directory formed by the other apparatus is used by the other apparatus to store a file of a predetermined format and is not used to store the obtained file by the apparatus.

62. (Previously Presented) The apparatus of claim 59, wherein

the CPU is operable to recognize the carryable memory media, and the apparatus makes the carryable memory media form the new directory if the CPU recognizes the carryable memory media in which the directory formed by the other apparatus is stored and there is not the directory formed by the apparatus.

63. (Previously Presented) The apparatus of claim 59, wherein

the apparatus makes the carryable memory media form the new directory if the controller accesses to the carryable memory media.

64. (Previously Presented) The apparatus of claim 59, wherein

the controller is operable to reproduce the obtained file if the obtained file is of

a predetermined format, and

even if the obtained file is not formatted by the predetermined format and the obtained file cannot be reproduced, the apparatus makes the carryable memory media store the obtained file in the new directory.

65. (Previously Presented) A method which is capable of storing a file in a carryable memory media for use by an apparatus, comprising:

storing in a memory a file obtained excluding from the carryable memory media;

recognizing the carryable memory media in which a directory formed by an other apparatus is stored and there is not a directory formed by the apparatus;

forming in the carryable memory media a new directory which is allowed to store an arbitrary file stored in the memory; and

storing the obtained file in the new directory.

66. (Previously Presented) The method of claim 65, wherein

the obtained file is a file attached with an e-mail.

67. (Previously Presented) The method of claim 65, wherein

the directory formed by the other apparatus is used by the other apparatus to store a file of a predetermined format and is not used to store the obtained file by the apparatus.

68. (Previously Presented) The method of claim 65, wherein

in the forming process, the new directory formed if the carryable memory media, in which the directory formed by the other apparatus is stored and there is not the directory formed by the apparatus, is recognized.

69. (Previously Presented) The method of claim 65, wherein

in the forming process, the new directory is formed if the carryable memory media is accessed.

70. (Previously Presented) The method of claim 65, comprising:

reproducing the obtained file if the obtained file is a predetermined format, wherein

even if the obtained file is not formatted by the predetermined format and the obtained file cannot be reproduced, the obtained file is stored in the new directory.

71. (Previously Presented) An information terminal, comprising:

a memory card slot operable to insert carryable memory media;

a memory operable to store a file obtained excluding from the carryable memory media;

a controller operable to form a directory in the carryable memory media and operable to store the obtained file in the memory; wherein

if a directory formed by an apparatus other than the information terminal is stored in the carryable memory media and there is not a directory formed by the information terminal in the carryable memory media, the information terminal makes the carryable memory media form a new directory which is allowed to store an arbitrary file stored in the memory and store the obtained file in the new directory.

72. (Previously Presented) The information terminal of claim 71, comprising:

a receiver operable to receive an e-mail with an attached file, wherein

the obtained file is the attached file.

73. (Previously Presented) The information terminal of claim 71, comprising:

the directory formed by the apparatus is used by the apparatus to store a file of a predetermined format and is not used to store the obtained file by the information terminal.

74. (Previously Presented) The information terminal of claim 71, wherein

the information terminal makes the carryable memory media form the new directory if the carryable memory media, in which the directory formed by the apparatus is stored and there is not the directory formed by the information terminal, is inserted to the memory card slot.

75. (Previously Presented) The information terminal of claim 71, wherein

the information terminal makes the carryable memory media form the new directory if the carryable memory media is accessed by the controller.

76. (Previously Presented) The information terminal of claim 71, comprising:

a reproducer operable to reproduce the obtained file if the obtained file is a predetermined format, wherein

even if the obtained file is not formatted by the predetermined format and the obtained file cannot be reproduced by the reproducer, the obtained file is stored in the new directory.

77. (Previously Presented) A method which is capable of storing a file in a carryable memory media for use of an information terminal, comprising:

storing in a memory a file obtained excluding from the carryable memory media;

recognizing the carryable memory media, in which a directory formed by an apparatus other than the information terminal is stored in the carryable memory media and there is not a directory formed by the information terminal in the carryable memory media, to be inserted to a memory card slot;

forming in the carryable memory media a new directory which is allowed to store an arbitrary file stored in the memory; and

storing the obtained file in the new directory.

78. (Previously Presented) The method of claim 77, comprising:

receiving an e-mail with an attached file, wherein

the obtained file is the attached file.

79. (Previously Presented) The method of claim 77, wherein

the directory formed by the apparatus is used by the apparatus to store a file of a predetermined format and is not used to store the obtained file by the information terminal.

80. (Previously Presented) The method of claim 77, wherein

in the forming process, the new directory is formed if the carryable memory media, in which the directory formed by the apparatus is stored and there is not the directory formed by the information terminal, is inserted to the memory card slot .

81. (Previously Presented) The method of claim 77, wherein

in the forming process, the new directory is formed if the carryable memory media is accessed.

82. (Previously Presented) The method of claim 77, comprising:

reproducing the obtained file if the obtained file is of a predetermined format, wherein

even if the obtained file is not formatted by the predetermined format and the obtained file cannot be reproduced, the obtained file is stored in the new directory.

Application No.: 10/010,630
Substitute Appeal Brief Dated: January 16, 2007
Appeal Brief Dated: November 10, 2006

MAT-8198US

EVIDENCE APPENDIX

Directory
Level

	.doc
	.xls
	.xlm
	other formats (e.g. - .pdf, .tmp, etc.)

Application No.: 10/010,630
Substitute Appeal Brief Dated: January 16, 2007
Appeal Brief Dated: November 10, 2006

MAT-8198US

RELATED PROCEEDINGS APPENDIX

None

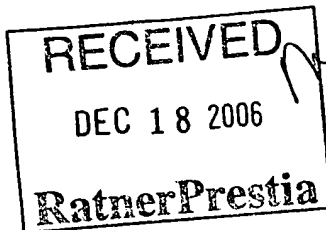
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RATNER AND PRESTIA
Suite 301
One Westlakes, Berwyn
P.O. Box 980
Valley Forge, PA 19482-0980



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Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)

JAN 19 2007

Application No.

10/010,630

Applicant(s)

TOYOMURA ET AL.

Examiner

Debbie Le

Art Unit

2168

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 13 November 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

(2) IN SECTION III Status of All Claims: the brief does not contain a statement that gives the status of all the claims in the application and state which claims are being appealed

4) IN SECTION V Summary of the Claimed Subject Matter: The brief does not identify independent claims (1, 6, 8, 32, 49, 52-57, 59, 65, 71 and 77) and show which page and line number(s) and drawings if any they are being mapped to.

/ Everett R. Williams/
Everett R. Williams
Patent Appeals Specialist